REMARKS

Claims 1-21 are pending in the case. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendments and the remarks.

Claims 1-6, 8-15 and 17-21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kalavade et al. (USPN 6,901,067), in view of Taniguchi et al. (USPN 6,445,679), and further in view of Howe (USPN 6,611,519). The Examiner stated essentially that the combined teachings of Kalavade, Taniguchi and Howe teach or suggest all the limitations of Claims 1-6, 8-15 and 17-21.

Claims 1, 6 and 14 are the independent claims.

Claim 1 claims, *inter alia*, "a session controller for synchronizing collaborative playback of the video stream between a plurality of client devices, receiving messages, and outputting encoder control commands based on the messages." Claim 6 claims, *inter alia*, "a plurality of encoders, each of the plurality of encoders being dedicated to a corresponding one of the client devices for receiving user control commands from the corresponding one of the client devices that correspond to a playback of the video stream ... whereby the user control command allows a user of one of the client devices to control the playback of the video stream on all of the client devices." Claim 14 claims, *inter alia*, "respectively and dynamically controlling a transmission of the video stream from the plurality of encoders to the client devices, including respectively transmitting or discarding each of the plurality of frames so as to cooperatively maintain a minimum quality of service for all of the client devices, ... whereby the user control command

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allows a user of one of the client devices to control the playback of the video stream on all of the clients."

Kalavade teaches a device which receives packets streamed over a packet network, decodes the packets received to generate a decoded signal stream and filters the decoded singal stream to generate a pulse code modulated signal stream (see Abstract). Kalavade does not teach, "a session controller for synchronizing collaborative playback of the video stream between a plurality of client devices, receiving messages, and outputting encoder control commands based on the messages" as claimed in Claim 1 or "whereby the user control command allows a user of one of the client devices to control the playback of the video stream on all of the client devices" as claimed in Claims 6 and 14. Kalavade teaches a single connection between a cellular telephone and a server of Internet audio content. Kalavade's cellular telephone controls only its own connection. A single connection such as that of Kalavade's cellular telephone does not include facilities for a user control command allowing "a user of one of the client devices to control the playback of the video stream on all of the client devices" essentially as claimed in Claims 6 and 14 nor "a session controller for synchronizing collaborative playback of the video stream between a plurality of client devices, receiving messages, and outputting encoder control commands based on the messages" as claimed in Claim 1. A client controlling only its own connection is not collaborative. Therefore, Kalavade fails to teach or suggest all the limitations of Claims 1, 6 and 14.

Taniguchi teaches a stream communication system having a plurality of nodes and a network to which each node is connected (see Abstract). Taniguchi does not teach or suggest, "a session controller for synchronizing collaborative playback of the video

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stream between a plurality of client devices, receiving messages, and outputting encoder control commands based on the messages" as claimed in Claim 1 or "whereby the user control command allows a user of one of the client devices to control the playback of the video stream on all of the client devices" as claimed in Claims 6 and 14. Taniguchi teaches that the nodes comprise a stream transfer device (see Abstract, elements 11-13 of FIG. 1, and col. 7, lines 23-32). All nodes of Taniguchi are not analogous to client devices, essentially as claimed. Indeed, only the reception node of Taniguchi is capable of displaying data. A single node capable of displaying data is clearly not analogous to a plurality of clients. No collaboration is possible given a single reception node. Thus, Taniguchi fails to teach or suggest, "a session controller for synchronizing collaborative playback of the video stream between a plurality of client devices" as claimed in Claim 1 or "whereby the user control command allows a user of one of the client devices to control the playback of the video stream on all of the client devices" as claimed in Claims 6 and 14. Therefore, Taniguchi fails to cure the deficiencies of Kalavade.

Howe teaches synchronizing store-and-forward networks (see Abstract). Howe does not teach, "a session controller for synchronizing collaborative playback of the video stream between a plurality of client devices, receiving messages, and outputting encoder control commands based on the messages" as claimed in Claim 1 or "whereby the user control command allows a user of one of the client devices to control the playback of the video stream on all of the client devices" as claimed in Claims 6 and 14. Howe teaches a master clock which communicates with receiver/synchronization means enabling the network device embodiments to synchronize their clocks (see col. 22, lines 22-26). The synchronization of clocks of network devices as taught by Howe falls short

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of and is not analogous to a synchronized collaborative playback, essentially as claimed.
It is clear from Howe's recitation of benefits found at col. 11, line 56 to col. 12, line 16,
that synchronized collaborative playback as claimed is not among those benefits, that is,
it is not taught or suggested. Howe's method using synchronized clocks is implemented
to eliminate store-and-forward delays (see col. 4, lines 27-52). Howe's method achieves a
direct non-blocking connection – that is, packets are scheduled so as not to be
synchronized - no two packets will be scheduled to use a connection simultaneously.
Thus, Howe's synchronized clocks are implemented to achieve improved network
efficiency through a-synchronous communications and are not analogous to a
synchronized collaborative playback between a plurality of clients. Thus, Howe fails
teach or suggest "a session controller for synchronizing collaborative playback of the
video stream between a plurality of client devices, receiving messages, and outputting
encoder control commands based on the messages" as claimed in Claim 1 or "whereby
the user control command allows a user of one of the client devices to control the
playback of the video stream on all of the client devices" as claimed in Claims 6 and 14.
Therefore, Howe fails to cure the deficiencies of Kalavade and Taniguchi.

The combined teachings of Kalavade, Taniguchi and Howe teach individual
receives receiving data in an a-synchronous way to improve network efficiency. The
combined teachings of Kalavade, Taniguchi and Howe fail to teach or suggest "a session
controller for synchronizing collaborative playback of the video stream between a
plurality of client devices, receiving messages, and outputting encoder control commands
based on the messages" as claimed in Claim 1 or "whereby the user control command

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allows a user of one of the client devices to control the playback of the video stream on all of the client devices" as claimed in Claims 6 and 14.

Claims 2-5 depends from Claim 1. Claims 8-13 depends from Claim 6. Claims 15 and 17-21 depend from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for Claims 1, 6 and 14, respectively.

At least Claims 2, 3, 12 and 13 are believed to be allowable for additional reasons.

Referring to Claims 2 and 12; Claim 2 and 12 claim, *inter alia*, "said plurality of encoders dynamically controls the transmission of the video stream further based on a requirement that at least a pre-designated minimum number of frames must be received by all of the client devices."

The combined teachings of Kalavade, Taniguchi and Howe teach a network with independent receivers – indeed, each of Kalavade, Taniguchi and Howe describe their inventions in terms of a one source, one receiver framework (see FIG 1 of Kalavade, FIG 1 of Taniguchi and FIG 1 of Howe) – these systems implement quality of service constraints on a node by node basis. Nowhere is requirement that at least a pre-designated minimum number of frames must be received by all of the client devices taught or suggested. Therefore, Claims 2 and 12 are believed to be in condition for allowance.

Referring to Claims 3 and 13; Claims 3 and 13 claim, *inter alia*, "a requirement that at least a pre-designated subset of the plurality of frames must be received by all of the client devices, the pre-designated subset of the plurality of frames corresponding to a basic content of the plurality of frames."

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The combined teachings of <u>Kalavade</u>, <u>Taniguchi</u> and <u>Howe</u> teach packets having priorities. <u>Kalavade</u>, <u>Taniguchi</u> and <u>Howe</u> fail to teach or suggest "a pre-designated subset of the plurality of frames." Mere priorities are clearly not analogous to pre-designated frames. That is a priority is not a requirement. Therefore, Claims 3 and 13 are believed to be in condition for allowance.

The Examiner's reconsideration of the rejection is respectfully requested.

Claims 7 and 16 have been rejected under 35 USC 103(a) as being unpatentable over <u>Kalavade</u>, in view of <u>Taniguchi</u>, and further in view of <u>Howe</u>, and further in view of <u>Val</u> et al. (USPN 6,763,392). The Examiner stated essentially that the combined teachings of <u>Kalavade</u>, <u>Taniguchi</u>, <u>Howe</u> and <u>Val</u> teach or suggest all the limitations of Claims 7 and 16.

Claim 7 depends from Claim 6. Claim 16 depends from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for Claims 6 and 14, respectively. The Examiner's reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including claims 1-21, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully Submitted,

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